

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
KIMBERLY CRUZ,

Plaintiff,

- against -

**REPORT & RECOMMENDATION  
24 CV 3153 (AMD)(LB)**

BOARD of ELECTIONS  
in the CITY OF NEW YORK, *et al.*,

Defendants.

-----X  
**BLOOM, United States Magistrate Judge:**

*Pro se* plaintiff commenced this civil rights action under 42 U.S.C. § 1983 on April 26, 2024. ECF No. 1. Plaintiff paid the filing fee to commence this action and is therefore responsible to serve defendants with process. ECF No. 4. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). The Court notified plaintiff that pursuant to Federal Rule of Civil Procedure 4(m), she was required to serve defendants and file proof of proper service with the Court by July 24, 2024. ECF No. 6. The Court warned plaintiff that if she failed to properly serve defendants by that date, or failed to show good cause why such service was not timely effected, I shall recommend that the Court should dismiss this action without prejudice. Summonses for defendants were issued on April 30, 2024. ECF No. 5.

Plaintiff has not filed proof of service on defendants, nor has she shown good cause why such service has not been made. As such, I respectfully recommend that the Court should dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

**FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b)(2) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections (and any responses to objections) shall be filed with the Clerk of the Court. Any request for an extension of time to file objections must be made within the fourteen-day period. Failure to file a timely objection to this Report generally waives any further judicial review. Marcella v. Capital Dist. Physicians' Health Plan, Inc., 293 F.3d 42, 46 (2d Cir. 2002); DeLeon v. Strack, 234 F.3d 84, 86 (2d Cir. 2000); Spence v. Superintendent, Great Meadow Corr. Fac., 219 F.3d 162, 174 (2d Cir. 2000); see also Thomas v. Arn, 474 U.S. 140, 155 (1985).

SO ORDERED.

\_\_\_\_\_/S/  
LOIS BLOOM  
United States Magistrate Judge

Dated: August 8, 2024  
Brooklyn, New York